

**MANDATE**

**United States Court of Appeals  
For the First Circuit**

05-10126  
Massachusetts  
R. Stearns

No. 06-1584

RITA PERROTTI,  
Plaintiff, Appellant,

v.

MICHAEL O. LEAVITT,  
Defendant, Appellee.

Before

Boudin, Chief Judge,  
Selya and Lipez, Circuit Judges.

JUDGMENT

Entered: October 20, 2006

We have carefully reviewed the parties' submissions and the record. There was substantial evidence to support the decision by the Secretary of Health and Human Services that plaintiff could have received the medical care she required at Speare Memorial Hospital. See 42 U.S.C. §§ 405(g), 1395ff(b) (providing that Secretary's factual findings are conclusive if supported by "substantial evidence"). While it is understandable that plaintiff and her regular physicians wanted her to be cared for at Lawrence Memorial Hospital, the Medicare regulations do not provide coverage to a more distant hospital in order to obtain the best possible treatment where a closer hospital can provide appropriate treatment. See 42 C.F.R. § 410.40(e)(1); see also Medicare Carriers Manual § 2120.3F.

Accordingly, we affirm the district court's ruling upholding the Secretary's decision. See 1st Cir. R. 27(c).

By the Court:

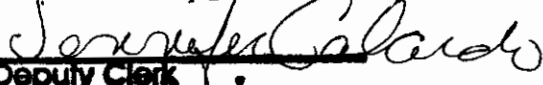
Richard Cushing Donovan, Clerk.

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By: \_\_\_\_\_  
Operations Manager.

**Certified and Issued as Mandate  
under Fed. R. App. R 41.**

**Richard Cushing Donovan, Clerk**

  
**Deputy Clerk**

**Date:** 12.11.06

[cc: Rita Perrotti, Christopher Alberto, AUSA, Clifford M. Pierce,  
Esq.]